

117TH CONGRESS
2D SESSION

H. R. 7446

To amend the Uniform Code of Military Justice to modify the treatment of certain controlled substance violations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 7, 2022

Mr. BROWN of Maryland introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend the Uniform Code of Military Justice to modify the treatment of certain controlled substance violations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restoring Equity For
5 Offenses Related to Marijuana Act” or the “REFORM
6 Act”.

1 **SEC. 2. LIMITATION ON MAXIMUM PUNISHMENT FOR CER-**

2 **TAIN OFFENSES UNDER THE UNIFORM CODE**

3 **OF MILITARY JUSTICE.**

4 Section 856(a) of title 10, United States Code (article
5 56(a) of the Uniform Code of Military Justice), is amend-
6 ed—

7 (1) by striking “The punishment which” and
8 inserting the following:

9 “(1) The punishment which”; and
10 (2) by adding at the end the following new
11 paragraphs:

12 “(2) The President may not prescribe a limit
13 that exceeds the limits specified in paragraph (3).

14 “(3) The limits referred to in paragraph (2) are
15 as follows:

16 “(A) The limit for wrongful use of mari-
17 juana under subsection (a) of section 912a of
18 this title (article 112a) shall not exceed the
19 limit for drunk on duty under subsection (a) of
20 section 912 of this title (article 112).

21 “(B) The limit for wrongful possession of
22 marijuana under subsection (a) of section 912a
23 of this title (article 112a) shall not exceed the
24 limit for incapacitation for duty from drunken-
25 ness or drug use under subsection (b) of section
26 912 of this title (article 112).”.

1 **SEC. 3. INCLUSION OF CERTAIN CONTROLLED SUBSTANCE**

2 **VIOLATIONS IN DEFINITION OF COVERED OF-**
3 **FENSE.**

4 (a) **IN GENERAL.**—Section 801(17)(A) of title 10,
5 United States Code (article 1(17)(A) of the Uniform Code
6 of Military Justice), as amended by section 533 of the Na-
7 tional Defense Authorization Act for Fiscal Year 2022
8 (Public Law 117–81), is amended—

9 (1) by striking “or”; and
10 (2) by striking “of this title” and inserting “,
11 the offense of manufacture of a controlled substance
12 punishable under section 912a (article 112a), the of-
13 fense of distribution of a controlled substance pun-
14 ishable under section 912a (article 112a), or the of-
15 fense of introduction of a controlled substance pun-
16 ishable under section 912a (article 112a) of this
17 title”.

18 (b) **EFFECTIVE DATE.**—The amendments made by
19 subsection (a) shall take effect immediately after the com-
20 ing into effect of the amendments made by section 533
21 of the National Defense Authorization Act for Fiscal Year
22 2022 (Public Law 117–81) as provided in section 539C
23 of that Act.

24 **SEC. 4. ANNUAL REPORT ON CONTROLLED SUBSTANCE**
25 **TESTING.**

26 (a) **ANNUAL REPORT.**—

1 (1) IN GENERAL.—Not later than March 1,
2 2023, and not later than March 1 of each year
3 thereafter through March 1, 2027, each Secretary of
4 a military department shall submit to the congres-
5 sional defense committees a report on the drug test-
6 ing and evaluation program in the prior fiscal year.

7 (2) ELEMENTS.—Each report under paragraph
8 (1) shall include, for the previous ten fiscal years
9 with respect to the Armed Forces covered by such
10 report, the following:

11 (A) The number of drug tests adminis-
12 tered, disaggregated by statistical category.

13 (B) The number of positive drug tests,
14 disaggregated by statistical category and sub-
15 stance.

16 (C) The percentage of positive drug tests
17 from administered drug tests, disaggregated by
18 statistical category and substance.

19 (D) The number of each type of punish-
20 ment imposed, disaggregated by statistical cat-
21 egory and substance.

22 (E) The percentage of each type of punish-
23 ment imposed from the positive drug tests,
24 disaggregated by statistical category and sub-
25 stance.

(F) The data in subparagraphs (A) through (E) disaggregated for each of the ten largest military installations in the United States (based on the number of active duty personnel assigned to the installation and family members residing on or in the vicinity of the installations).

(G) An analysis of any disparities among race, gender, ethnicity, and military installation during the year covered by the report.

(A) make the results of each report under paragraph (1) available on a publicly accessible website of the Department of Defense; and

24 (B) ensure that any data included with the
25 report is made available in a machine-readable

1 format that is downloadable, searchable, and
2 sortable.

